

**Meeting of the Central Valley Flood Protection Board
June 20, 2008**

**Draft Staff Report
DWR Floodway Protection Section**

Item

Consider approval of Permit No. 18192 to construct a boat dock, supported by steel pilings, attached to a gangway and galvanized steel shore hinge on the left (east) bank levee of the Sacramento River.

Applicant

Michael Mix

Location

The project is located in Sacramento, west of I-5 at 955 Piedmont Drive. (Sacramento County, Sacramento River.) (see Attachment B).

Description

The applicant wishes to construct a 30- by 30-foot boat dock, supported by three 16-inch-diameter steel pilings, attached to a 3-foot-wide, 55-foot-long aluminum gangway, attached to a galvanized steel shore hinge on the left (east) bank levee of the Sacramento River.

Agency Comments and Endorsements:

- The U. S. Army Corps of Engineers has endorsed this application (Exhibit A).

CEQA Compliance:

The Central Valley Flood Protection Board is lead agency under CEQA. Board staff has determined that the project is exempt under a Class 3 Categorical Exemption (CEQA Guidelines Section 15303) covering construction and location of limited numbers of new, small facilities or structures. Board staff will file a Notice of Exemption with the State Clearinghouse if the permit is approved.

Section 8610.5 Compliance

1. Evidence that the Board admits into its record from any party, State or local public agency, or nongovernmental organization with expertise in flood or flood plain management:

The Board will make its decision based on the evidence in the permit application and attachments, this staff report, and any other evidence presented by any individual or group.

2. The best available science that related to the scientific issues presented by the executive officer, legal counsel, the Department or other parties that raise credible scientific issues.

The accepted industry standards for the work proposed under this permit as regulated by Title 23 have been applied to the review of this permit.

3. Effects of the decision on the entire State Plan of Flood Control:

This project has no effects on the State Plan of Flood Control.

4. Effects of reasonable projected future events, including, but not limited to, changes in hydrology, climate, and development within the applicable watershed:

None.

Staff Recommendation

Staff recommends the Board find the project to be exempt from CEQA and to approve the permit.

List of Attachments

- A. Draft permit
- B. Location maps and photos

DRAFT

STATE OF CALIFORNIA
THE RESOURCES AGENCY
CENTRAL VALLEY FLOOD PROTECTION BOARD

PERMIT NO. 18192 BD

This Permit is issued to:

Michael Mix
955 Piedmont Drive
Sacramento, California 95822

To construct a 30- by 30-foot boat dock, supported by three 16-inch-diameter steel pilings, attached to a 3-foot-wide, 55-foot-long aluminum gangway, attached to a galvanized steel shore hinge on the left (east) bank levee of the Sacramento River. The project is located in Sacramento, west of I-5 at 955 Piedmont Drive (Section 22, T8N, R4E, MDB&M, Maintenance Area 9, Sacramento River, Sacramento County).

NOTE: Special Conditions have been incorporated herein which may place limitations on and/or require modification of your proposed project described above.

(SEAL)

Dated: _____

Executive Officer

GENERAL CONDITIONS:

ONE: This permit is issued under the provisions of Sections 8700 – 8723 of the Water Code.

TWO: Only work described in the subject application is authorized hereby.

THREE: This permit does not grant a right to use or construct works on land owned by the Sacramento and San Joaquin Drainage District or on any other land.

FOUR: The approved work shall be accomplished under the direction and supervision of the State Department of Water Resources, and the permittee shall conform to all requirements of the Department and the Central Valley Flood Protection Board.

FIVE: Unless the work herein contemplated shall have been commenced within one year after issuance of this permit, the Board reserves the right

to change any conditions in this permit as may be consistent with current flood control standards and policies of the Central Valley Flood Protection Board.

SIX: This permit shall remain in effect until revoked. In the event any conditions in this permit are not complied with, it may be revoked on 15 day's notice.

SEVEN: It is understood and agreed to by the permittee that the start of any work under this permit shall constitute an acceptance of the conditions in this permit and an agreement to perform work in accordance therewith.

EIGHT: This permit does not establish any precedent with respect to any other application received by the Central Valley Flood Protection Board.

NINE: The permittee shall, when required by law, secure the written order or consent from all other public agencies having jurisdiction.

TEN: The permittee is responsible for all personal liability and property damage which may arise out of failure on the permittee's part to perform the obligations under this permit. If any claim of liability is made against the State of California, or any departments thereof, the United States of America, a local district or other maintaining agencies and the officers, agents or employees thereof, the permittee shall defend and shall hold each of them harmless from each claim.

ELEVEN: The permittee shall exercise reasonable care to operate and maintain any work authorized herein to preclude injury to or damage to any works necessary to any plan of flood control adopted by the Board or the Legislature, or interfere with the successful execution, functioning or operation of any plan of flood control adopted by the Board or the Legislature.

TWELVE: Should any of the work not conform to the conditions of this permit, the permittee, upon order of the Central Valley Flood Protection Board, shall in the manner prescribed by the Board be responsible for the cost and expense to remove, alter, relocate, or reconstruct all or any part of the work herein approved.

SPECIAL CONDITIONS FOR PERMIT NO. 18192 BD

THIRTEEN: All work approved by this permit shall be in accordance with the submitted drawings and specifications except as modified by special permit conditions herein. No further work, other than that approved by this permit, shall be done in the area without prior approval of the Central Valley Flood Protection Board.

FOURTEEN: The permittee is responsible for all liability associated with construction, operation, and maintenance of the permitted facilities and shall defend and hold harmless the Central Valley Flood Protection Board and the State of California and/or any department(s) thereof from any liability or claim(s) of liability associated therewith.

FIFTEEN: The Central Valley Flood Protection Board and the State of California and/or any department(s) thereof shall not be held liable for damage(s) to the permitted encroachment(s) resulting from release(s) of water from reservoirs, flood fight, operation, maintenance, inspection, or emergency repair(s) of the flood control project works.

SIXTEEN: The permittee shall contact the Department of Water Resources by telephone, (916) 574-1213, and submit the enclosed postcard to schedule a preconstruction conference. Failure to do so at least 10 working days prior to start of work may result in delay of the project.

SEVENTEEN: No excavation shall be made or remain within the flood control project works during the flood season from November 1st to April 15th without express written consent from the Central Valley Flood Protection Board.

EIGHTEEN: Cleared trees and brush shall be completely burned or removed from the flood control project works, and downed trees or brush shall not remain within the project works during the flood season from November 1st to April 15th.

NINETEEN: No construction material(s) and/or equipment shall remain in the floodway and/or on the levee during the flood season from November 1st to April 15th.

TWENTY: A temporary bench mark, set to a known datum, shall be placed at the project site during construction.

TWENTY-ONE: The herein permitted boat dock landing footing(s) shall be cleaned of all loose soil, and backfilled with concrete cast against firm undisturbed earth. Rip-rap and/or revetment do not constitute undisturbed earth.

TWENTY-TWO: In the event existing rock revetment within the flood control project works is disturbed or displaced during construction, it shall be restored to its preconstruction condition.

TWENTY-THREE: The top of pilings shall be a minimum distance of 2 feet above the design flood plane elevation of 31.3 feet, NGV Datum.

TWENTY-FOUR: All debris generated by this project shall be disposed of outside the Sacramento River adopted plan of flood control.

TWENTY-FIVE: Objects connected to the dock shall be properly secured to prevent detachment during periods of high water.

TWENTY-SIX: The permittee shall be responsible for removing all boats or other objects moored to the dock upon receiving notification to do so from the Central Valley Flood Protection Board, Department of Water Resources, or any other federal, State, or local agency having applicable authority.

TWENTY-SEVEN: In the event that levee or bank erosion injurious to the adopted plan of flood control occurs at or adjacent to the permitted encroachment(s), the permittee shall repair the eroded area and propose measures, to be approved by the Central Valley Flood Protection Board, to prevent further erosion.

TWENTY-EIGHT: Debris that may accumulate on the permitted encroachment(s) and related facilities shall be cleared off and disposed of outside the floodway after each period of high water.

TWENTY-NINE: If the herein permitted encroachment(s) result(s) in an adverse hydraulic impact, the permittee shall provide appropriate mitigation measures, to be approved by the Central Valley Flood Protection Board, prior to implementation of mitigation measures.

THIRTY: The permittee shall maintain the permitted encroachment(s) and the project works within the utilized area in the manner required and as requested by the authorized representative of the Central Valley Flood Protection Board, the State of California Department of Water Resources and/or any other agency responsible for maintenance.

THIRTY-ONE: The permitted encroachment(s) shall not interfere with operation and maintenance of the flood control project. If the permitted encroachment(s) is/are determined by any agency responsible for operation or maintenance of the flood control project to interfere, the permittee shall be required, at permittee's cost and expense, to modify or remove the permitted encroachment(s) under direction of the Central Valley Flood Protection Board or Department of Water Resources. If the permittee does not comply, the Central Valley Flood Protection Board may modify or remove the encroachment(s) at the permittee's expense.

THIRTY-TWO: The permittee may be required, at permittee's cost and expense, to remove, alter, relocate, or reconstruct all or any part of the permitted encroachment(s) if removal, alteration, relocation, or reconstruction is necessary as part of or in conjunction with any present or future flood control plan or project or if damaged by any cause. If the permittee does not comply, the Central Valley Flood Protection Board may remove the encroachment(s) at the permittee's expense.

THIRTY-THREE: If the project, or any portion thereof, is to be abandoned in the future, the permittee or successor shall abandon the project under direction of the Central Valley Flood Protection Board and Department of Water Resources, at the permittee's or successor's cost and expense.

THIRTY-FOUR: The permittee shall comply with all conditions set forth in the letter from the Department of the Army dated April 26, 2007, which is attached to this permit as Exhibit A and is incorporated by reference.



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, SACRAMENTO
CORPS OF ENGINEERS
1325 J STREET
SACRAMENTO, CALIFORNIA 95814-2922
April 26, 2007

RECEIVED

APR 26 2007

Navigation and Flood Control Unit (18192)

Mr. Jay Punia, General Manager
The Reclamation Board
State of California
3310 El Camino Ave. Rm. LL40
Sacramento, California 95821

Dear Mr. Punia:

We have reviewed an application for a permit by Michael Mix (Reclamation Board Number 18192). These plans cover constructing a 30- by 30-foot boat dock supported by three 16-inch diameter steel pilings attached to a 3-foot by 70-foot aluminum gangway attached to a galvanized steel shore hinge on the left (east) bank levee of the Sacramento River. The project is located in Sacramento, west of I-5 at 955 Piedmont Drive in Section 22, Township 8 North, Range 4 East, M.D.B. & M. Survey, Sacramento County, California.

The District Engineer has no objection to approval of this application by your Board from a flood control standpoint subject to the following conditions:

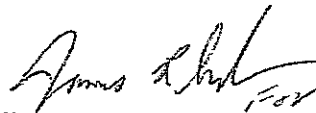
- a. That the excavation in the project for the proposed work shall not be made or remain during the flood season of November 1 to April 15, unless otherwise approved in writing by your Board.
- b. That after each period of high water, all debris caught by the boating facility must be cleared and disposed of outside the limits of the floodway and levee section.
- c. That the gangway and boat dock shall be properly anchored to prevent flotation into the floodway during periods of high water.
- d. That in the event trees and brush are cleared, they shall be properly disposed of either by complete burning or by complete removal outside the limits of the project works.
- e. That the top elevation of the proposed pilings shall be above elevation 31.3-feet MSL Datum, which is 2-feet above flood plane.

f. That in the event that levee or bank erosion injurious to the adopted plan of flood control occurs at or adjacent to the boating facility, the permittee of the boating facility is responsible for the repair of the eroded area, and for the placement of adequate revetment to prevent further erosion.

A file SPK-2007-479-SO has been opened because a Section 10 and/or Section 404 permit may be required. Please advise the applicant to contact the U.S. Army Corps of Engineers, Sacramento District, Regulatory Branch, 1325 J Street, Sacramento, California 95814, telephone (916) 557-5250.

If you have any questions concerning our comments on this permit application, please contact Mr. Mohsen Tavana at (916) 557-5282 or Mr. Robert Murakami at (916) 557-6738.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael D. Mahoney".

Michael D. Mahoney, P.E.
Chief, Construction-Operations Division

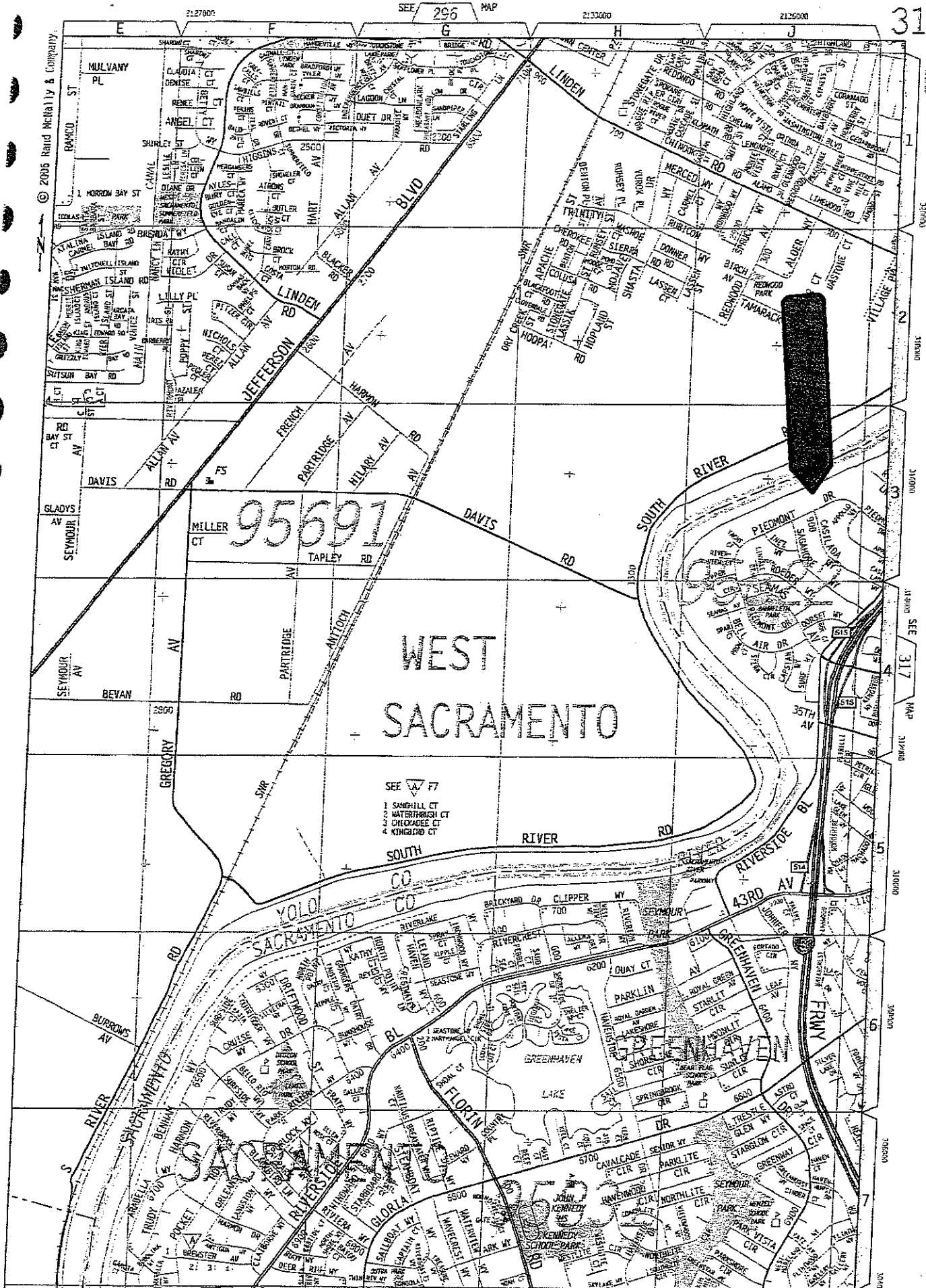
CF:

Mr. Jeremy Arrich, Acting Chief, Flood Project Integrity and Inspection Branch,
3310 El Camino Avenue, Suite LL30, Sacramento, CA 95821

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SEE 296 MAP

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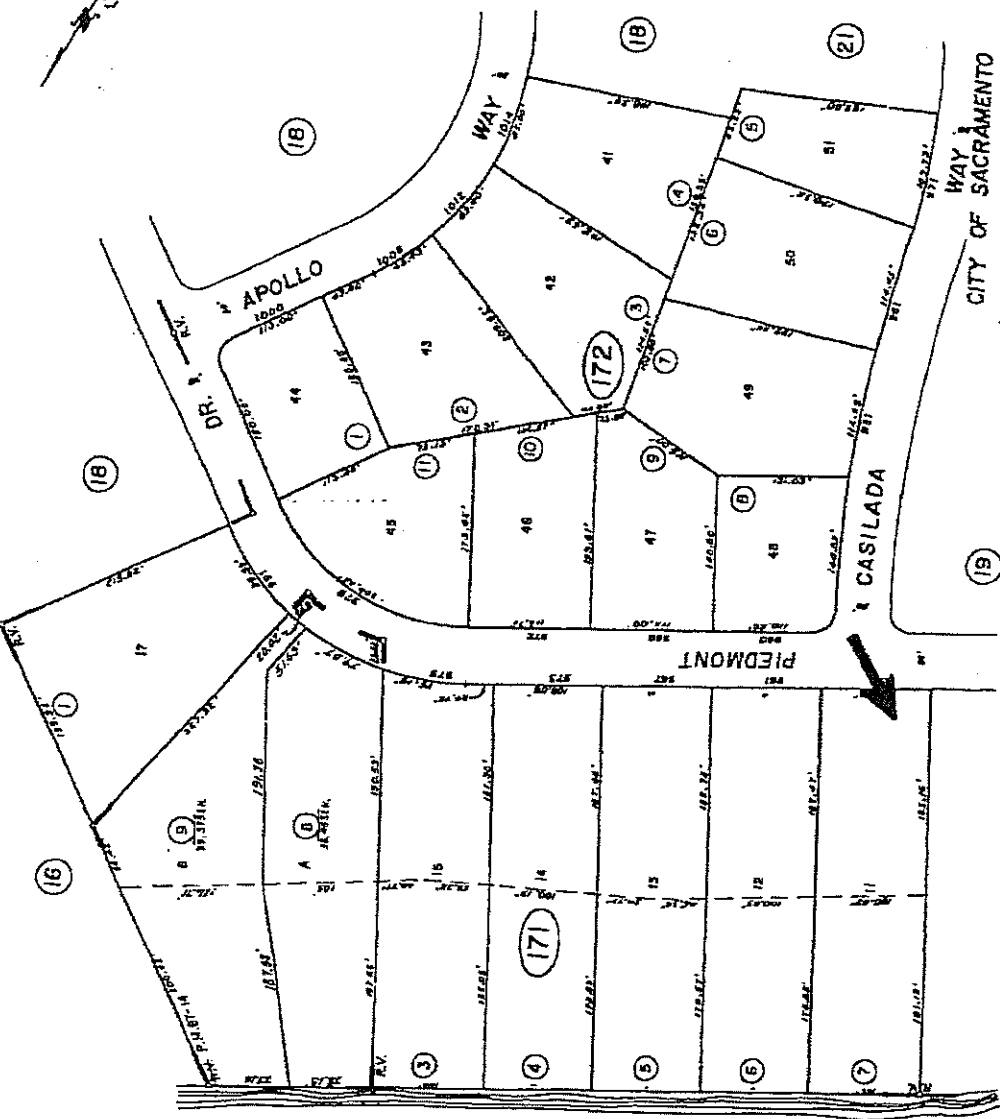
WEST
SACRAMENTO

SEE F7
1 SANDHILL CT
2 WATERFRUSH CT
3 CHICKADEE CT
4 KINGDID CT

SEE 317 MAP

SACRAMENTO CO.

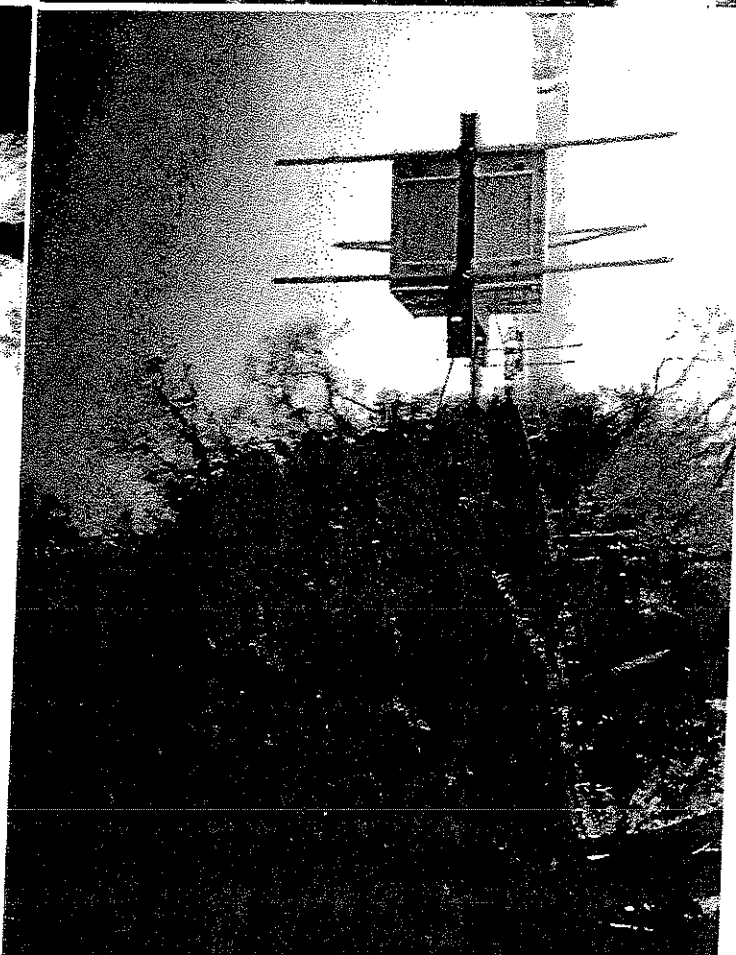
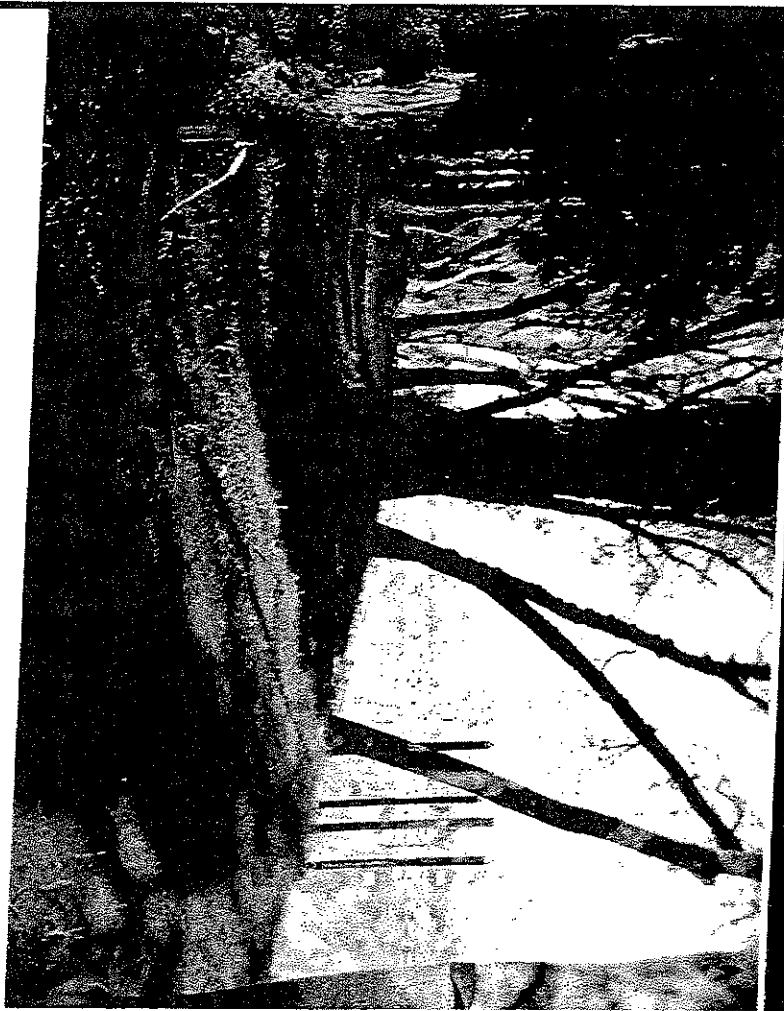
POR. RIVERSIDE VILLAGE



NOTE—Assessor's Black Numbers Shown In Ellipses.
Assessor's Parcel Numbers Shown In Circles.

(E) DOCK
NEW DOCK
for Mineral Rights see Pg. 01
(E) DOCK

YOL
SACRAMENTO River



ELEVATION & SECTION

NICHEAL MIX 955 PIEDMONT

